

In The Matter Of:

*Stephen Keefe v.
Local 805, ILA, AFL-CIO, et al.*

*Brendan Lee
Vol. 1, May 9, 2006*

*Doris O. Wong Associates, Inc.
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Boston, MA 02110
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*Original File LEE.V1, 21 Pages
Min-U-Script® File ID: 0384652469*

Word Index included with this Min-U-Script®

Volume I
Pages 1 to 21
Exhibits (None)
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
STEPHEN KEEFE, :
Plaintiff, :
vs. : Civil Action
: No. 04-11340-DPW
LOCAL 805, INTERNATIONAL :
LONGSHOREMEN'S ASSOCIATION, :
AFL-CIO; LOCAL 800, :
INTERNATIONAL LONGSHOREMEN'S :
ASSOCIATION, AFL-CIO; and :
LOCAL 798, INTERNATIONAL :
LONGSHOREMEN'S ASSOCIATION, :
AFL-CIO, :
Defendants.

DEPOSITION OF BRENDAN LEE, a witness called on behalf of the Plaintiff, taken pursuant to the Federal Rules of Civil Procedure, before Valerie L. Strand-Selma, Professional Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Offices of Mullen & McGourty, 52 Temple Place, Fourth Floor, Boston, Massachusetts, on Tuesday, May 9, 2006, commencing at 12:43 p.m.

PRESENT:

Scott A. Lathrop & Associates
(By Scott A. Lathrop, Esq.)
122 Old Ayer Road, Groton, MA 01450,
for the Plaintiff.
Mullen & McGourty
(By Michael L. Mahoney, Esq.)
52 Temple Place, Fourth Floor,
Boston, MA 02111, for the Defendants.

PRESENT (Continued):

Lennon Law Office
(By Michael T. Lennon, Esq.)
15 Court Square, Suite 960, Boston,
MA 02108, for the Defendant.

ALSO PRESENT: Stephen Keefe

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PROCEEDINGS

- [1] MR. LATHROP: What deposition stipulations [2] would you like?
[3] MR. LENNON: Standard as long as they're on [4] the record. All objections, except to the form of [5] the question, and all motions to strike are reserved [6] until the time of trial. Waive notarization, [7] sealing, and filing. Thirty days to read and sign.
[8] MR. MAHONEY: What about tax returns that [9] you've had a chance to view?
[10] MR. LATHROP: We're going to ask questions [11] about them.
[12] THE WITNESS: I also got my Social Security [13] yesterday.
[14] MR. LENNON: Okay. Did we reach a [15] stipulation as far as compliance with the court [16] order?
[17] MR. LATHROP: No. We're going to ask [18] questions.
[19]
[20]
[21]
[22]
[23]
[24]

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BRENDAN LEE

- [1] a witness called for examination by counsel for the [2] Plaintiff, having been satisfactorily identified by [3] the production of his driver's license and being [4] first duly sworn by the Notary Public, was examined [5] and testified as follows:

DIRECT EXAMINATION
BY MR. LATHROP:

- [6] Q: Would you please state your full name and [7] address for the record, sir.
[8] A: It's Brendan Lee, 152 Storrs Avenue in [9] Braintree, Massachusetts 02184.
[10] Q: And what's your date of birth?
[11] A: 10/12/67.
[12] Q: Could you briefly describe your educational [13] background.
[14] A: I graduated from Saint Brigid's, eighth [15] grade, went to BC High, went to UMiami in Florida, [16] went to UMass-Amherst, went to New England School of [17] Law.
[18] Q: Did you graduate from —
[19] A: Went to crane school, too. I'm sorry.
[20] Q: What was that?
[21] Q: I interrupted you. I'm sorry. You

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WITNESS DIRECT CROSS
BRENDAN LEE
BY MR. LATHROP 5

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[1] graduated from college?
[2] A: Yes.
[3] Q: Where did you graduate from?
[4] A: UMass-Amherst.
[5] Q: When?
[6] A: 1990.
[7] Q: And what was your degree in?
[8] A: Economics.
[9] Q: You graduated from New England School of
[10] Law?
[11] A: Yes.
[12] Q: When did you graduate from there?
[13] A: 1994.
[14] Q: Okay. Are you a member of the LLA?
[15] A: Yes.
[16] Q: What local?
[17] A: 800.
[18] Q: How long have you been a member of LLA?
[19] A: Since 1989 or 1990 — '89, I think.
[20] Q: How is it that you happen to be a member of
[21] Local 800 as opposed to 805 or 799, if you know?
[22] A: From South Boston. My father was in 800.
[23] Q: Are you still a member of Local 800?
[24] A: Yes.

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[1] A: On or about.
[2] Q: And how long were you in Gang 9, to your
[3] best recollection?
[4] A: About one year.
[5] Q: So you moved in there approximately late
[6] 2003?
[7] A: I think — no. Probably 2001, around
[8] there, or 2002.
[9] Q: Prior to that you were in Gang 10?
[10] A: Yes.
[11] Q: How long were you in Gang 10?
[12] A: One year.
[13] Q: Do you recall the calendar year that you
[14] moved into Gang 10?
[15] A: That would have been about 2002. I'm
[16] sorry. That would have probably been 2003 would
[17] have been Gang 9.
[18] Q: Okay. Prior to that you were in Gang 11?
[19] A: Yes.
[20] Q: How long were you in Gang 11?
[21] A: Almost two years.
[22] Q: So you moved into Gang 11 in the year 2000
[23] or thereabouts?
[24] A: Yes, 2000 or 2001. Right around there.

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[1] Q: Are you in a gang?
[2] A: Yes.
[3] Q: What gang are you in?
[4] A: Gang 8.
[5] Q: And how long have you been in Gang 8?
[6] A: Oh, a year and a half maybe. I don't know.
[7] Q: I take it prior to that you were in Gang 9?
[8] A: Yes.
[9] Q: And how long were you in Gang 9 — or do
[10] you recall when you moved into Gang 9?
[11] A: Do I recall when I moved into Gang 9?
[12] Q: Yes.
[13] A: Maybe two years ago, three years ago I was
[14] in Gang 9 shortly. Then I moved to Gang 8, because
[15] there was a temporary foreman position open.
[16] Q: Well, let's try it a different way. Do you
[17] remember the year in which you moved into Gang 8?
[18] A: 2005? It's a guess.
[19] MR. LENNON: Best memory.
[20] Q: That's your best recollection?
[21] A: I was there about a year and a half.
[22] Q: This is now May of 2006.
[23] A: So probably December 2004.
[24] Q: Okay.

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[1] I'm not sure.
[2] Q: Were you in Gang 12 prior to that?
[3] A: Yes.
[4] Q: How long were you in Gang 12?
[5] A: I'm not sure.
[6] Q: Okay. Now, you have a law degree?
[7] A: Yes.
[8] Q: And have you ever practiced law?
[9] A: Yes.
[10] Q: Did you sit for a bar exam?
[11] A: I did.
[12] Q: What bar exam and when?
[13] A: I sat for Massachusetts in 1994 and New
[14] York in 1995.
[15] Q: Did you pass both?
[16] A: Yes.
[17] Q: Have you ever practiced in New York?
[18] A: I was never admitted. I passed it, but I
[19] never filled out the...
[20] Q: So you have not practiced in New York,
[21] then?
[22] A: No.
[23] Q: Have you practiced in Massachusetts?
[24] A: Yes.

[1] Q: When is the last time you did any legal
[2] work for compensation?
[3] A: 2001.
[4] Q: What time of the year?
[5] A: I don't know.
[6] Q: What was the nature of your practice while
[7] you had it?
[8] A: Criminal law.
[9] Q: Were you associated with any law firm?
[10] A: No.
[11] Q: Self-employed?
[12] A: Yes.
[13] Q: Always self-employed?
[14] A: Yes.
[15] Q: Now, you brought with you today certain tax
[16] returns, correct?
[17] A: Yes.
[18] Q: And correct me if I'm wrong, but in your
[19] 2000 tax return, you have a Schedule C profit and
[20] loss from business, that being an attorney, correct?
[21] A: Yes.
[22] Q: So you were practicing law during calendar
[23] year 2000?
[24] A: Yes.

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[1] exactly when you moved into Gang 11?
[2] A: Union records.
[3] Q: Do you have any records that would show
[4] that?
[5] A: No.
[6] Q: You brought along a tax return for the year
[7] 2002, didn't you?
[8] A: Yes.
[9] Q: When you filed that, wasn't there a
[10] Schedule C attached to that?
[11] A: No.
[12] Q: Why is that?
[13] A: (Reviewing document) That's my complete
[14] tax return there (indicating).
[15] Q: Is it your testimony that you did not
[16] complete a Schedule C for the year 2002 because you
[17] were not practicing law?
[18] A: This is my — I didn't have any legal
[19] income in 2002.
[20] Q: Did you have any legal expenses?
[21] A: No.
[22] Q: Were you advertising in the year 2002?
[23] A: No.
[24] Q: Were you listed in the lawyers diary in

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[1] Q: And you also brought with you your tax
[2] return for calendar year 2001 —
[3] A: Yes.
[4] Q: — correct? And you also attached to that
[5] a Schedule C showing a profit or loss from a
[6] business, that being an attorney?
[7] A: Yes.
[8] Q: So during the calendar 2001, you were
[9] indeed practicing law?
[10] A: Yes.
[11] Q: Okay. And if I'm accurate in the year
[12] 2001, you were in Gang 11? That was your prior
[13] testimony, was it not?
[14] A: Can you repeat that?
[15] Q: In the year 2001 and 2000, you were in
[16] Gang 11?
[17] MR. LENNON: The entirety of the year,
[18] Scott?
[19] Q: According to your prior testimony, sir,
[20] didn't you testify that during 2000 and 2001 you
[21] were in Gang 11?
[22] A: I moved into Gang 11 from Gang 12 either in
[23] 2000 or 2001. I'm not sure.
[24] Q: Well, what kind of records would show

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[1] 2002?
[2] A: I don't know.
[3] Q: Do you know whether or not you're still
[4] listed in the lawyers diary?
[5] A: I — I believe I am. Yes. I looked at it
[6] today.
[7] Q: Where is the last place you maintained an
[8] office?
[9] A: Granite Avenue in Milton.
[10] Q: 500 Granite Avenue?
[11] A: Yes.
[12] Q: Did you lease an office from someone?
[13] A: I paid rent month to month.
[14] Q: To whom did you pay rent?
[15] A: Cochran, Fitzgerald & Hennessy.
[16] Q: And is that a law firm?
[17] A: It's a — yes.
[18] Q: And is it located at 50 Granite Avenue in
[19] Milton?
[20] A: No.
[21] Q: Has it moved since you were last there?
[22] A: No. It's 500 Granite.
[23] Q: I'm sorry. It's located at 500 Granite?
[24] A: Yes.

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[1] Q: What's your recollection as to when you
[2] last had an office at 500 Granite in Milton?
[3] A: 2001.
[4] Q: And you brought today your 2003 tax return?
[5] A: I did.
[6] Q: Is that complete?
[7] A: That is complete.
[8] Q: And you did not file a Schedule C in 2003,
[9] correct?
[10] A: No.
[11] Q: And you brought your 2004 tax return?
[12] A: My attorney brought it, yes.
[13] Q: Okay. And is that complete?
[14] A: Yes.
[15] Q: And it does not have a Schedule C?
[16] A: No.
[17] Q: And that's because you were not practicing
[18] law —
[19] A: I had no legal income in 2004.
[20] Q: Did you have any legal expenses?
[21] A: No.
[22] Q: At any time since —
[23] A: Excuse me. I paid for my Mass. Bar dues or
[24] the BBO dues.

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[1] investigate as to whether or not you were working
[2] exclusively at the craft?
[3] MR. LENNON: Objection. You can answer.
[4] A: Did anyone ever investigate?
[5] Q: Yes.
[6] A: I provided a form that — I provided the
[7] forms like everyone else.
[8] Q: What form did you provide?
[9] A: I provided taxes. And I think W. — Social
[10] Security income.
[11] Q: Did you provide everything you've provided
[12] to me today?
[13] MR. MAHONEY: Not these same documents.
[14] A: Not the same documents, no.
[15] Q: Okay, then. What did you provide?
[16] A: I provided — what year? I'm sorry. I
[17] can't remember. Can you repeat the question.
[18] MR. LATHROP: Please read it back.
[19] *(Question read)
[20] A: My best guess would be my 2002 Social
[21] Security reports.
[22] Q: You did not provide the Schedule Cs?
[23] A: I didn't have any Schedule Cs. And I —
[24] MR. LENNON: Wait for the question.

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[1] Q: And why have you done that?
[2] A: To maintain my license.
[3] Q: And why do you maintain your law license?
[4] A: Because I paid a lot of money for it.
[5] MR. LENNON: It's as good an answer as any.
[6] Q: Do you have an intent to resume the
[7] practice of law?
[8] A: When my kids are — I have five kids that
[9] are under seven. When they are older and full time
[10] at school, I might try to become a judge if I can
[11] get in.
[12] Q: Well, without practicing law at any time
[13] since 2001, you hope to become a judge in the
[14] future?
[15] MR. MAHONEY: Object to the form.
[16] Q: You can still answer.
[17] A: Yeah.
[18] Q: Did you have to sign a pledge sheet that
[19] you were working exclusively in the craft in order
[20] to be a member of Gang 11?
[21] A: Yes.
[22] Q: Do you recall when you signed that?
[23] A: No.
[24] Q: Did anyone from the Rules Committee ever

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[1] Q: Well, you had a Schedule C in the year
[2] 2001, did you not?
[3] A: I did.
[4] Q: Did you provide that to the Rules
[5] Committee?
[6] A: No.
[7] Q: Okay. Did you provide — looking at your
[8] tax returns, did you provide any part of your tax
[9] returns that you've produced today to the Rules
[10] Committee at any point in time?
[11] A: I think I gave my 2002 taxes when they
[12] requested them to the business agent.
[13] Q: Okay. Who requested them?
[14] A: The Rules Committee. They put a list for
[15] people in 2003 to provide their copy of their tax
[16] returns for 2002.
[17] Q: Did you see this list?
[18] A: Yes.
[19] Q: Can you describe the list?
[20] MR. LENNON: Objection.
[21] A: It was a list of all members in Gang 10 and
[22] 11.
[23] Q: You said your business agent gave you a
[24] copy of this list?

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- [1] A: No.
 [2] Q: Who gave you a copy of the list?
 [3] A: No one gave me a copy.
 [4] Q: How did you see the list?
 [5] A: It was posted on the wall.
 [6] Q: But you gave your business agent a copy of
 [7] your 2002 tax returns?
 [8] A: Yeah. That was what was requested.
 [9] Q: Who is your business agent?
 [10] A: I gave them to a Pliny Bromley or Richie
 [11] Flaherty or whoever was there at the time.
 [12] Q: At any time prior to that had you been
 [13] asked to show your tax returns?
 [14] A: No.
 [15] Q: I apologize if I asked this before. But at
 [16] no time did you disclose to the Rules Committee your
 [17] 2001 tax return?
 [18] A: No.
 [19] MR. LATHROP: I have nothing further.
 [20] MR. LENNON: No questions.
 [21] MR. MAHONEY: Is Mr. Lee released from the
 [22] subpoena, Scott?
 [23] MR. LATHROP: Oh, yes, yes. Those are the
 [24] questions I wanted to get into.

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[1] **CERTIFICATE**
 [2] I, BRENDAN LEE, do hereby certify that I have
 [3] read the foregoing transcript of my testimony, and
 [4] further certify under the pains and penalties of
 [5] perjury that said transcript (with/without)
 [6] suggested corrections is a true and accurate record
 [7] of said testimony.
 [8] Dated at __, this day of,
 [9] 2006.

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- [1] MR. MAHONEY: I have no questions.
 [2] MR. LENNON: You're all done.
 [3] (Whereupon, the deposition was
 [4] concluded at 1:04 p.m.)
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[1] **COMMONWEALTH OF MASSACHUSETTS)**
 [2] SUFFOLK, SS.)
 [3] I, Valerie L. Shand-Salama, Professional
 [4] Shorthand Reporter and Notary Public in and for the
 [5] Commonwealth of Massachusetts, do hereby certify
 [6] that there came before me on the 9th day of May 2006
 [7] at 12:43 p.m., the person hereinbefore named, who
 [8] was by me duly sworn to testify to the truth and
 [9] nothing but the truth of his knowledge touching and
 [10] concerning the matters in controversy in this cause;
 [11] that he was thereupon examined upon his oath, and
 [12] his examination reduced to typewriting under my
 [13] direction; and that the deposition is a true record
 [14] of the testimony given by the witness.
 [15] I further certify that I am neither attorney or
 [16] counsel for, nor related to or employed by, any
 [17] attorney or counsel employed by the parties hereto
 [18] or financially interested in the action.
 [19] In witness whereof, I have hereunto set my hand
 [20] and affixed my notarial seal this day of May
 [21] 2006.
 [22]
 [23] Notary Public
 [24] My commission expires 12/15/2011